



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1696 OF 2023

RAJENDRA ONKARRAO MANDGAONKAR

...Vs...

THE STATE OF MAHA., THR. SECRETARY, DEPT. OF HIGHER AND TECHNICAL EDUCATION, MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri G.G.Bade, Advocate for petitioner.

Ms. M.H.Deshmukh, AGP for respondent/State.

CORAM: ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.

DATED : 01st DECEMBER, 2025.

In the present matter, the challenge is raised to the order dated 24/10/2021 passed by respondent no. 2 - the Joint Director, Higher Education, Amaravati Division, Amaravati refusing the prayer of the petitioner for considering his case for pension on the ground that minimum qualified service of 10 years is required, whereas the service tenure of the petitioner is 6 years, 9 months & 10 days.

2. The learned counsel for the petitioner has pointed out that the petitioner's service from 2003 till the date of absorption in 2017 has not been considered. It is pointed out that the petitioner was removed from service after his appointment on the ground the proposal for relaxation of age was rejected, he was discontinued after 01/12/2008. It is pointed out that, however subsequently, the age relaxation was granted vide order dated 15/09/2011 and accordingly, the petitioner was absorbed in view of the Resolution dated 18/02/2017. He, therefore, submits that the earlier services of the petitioner ought

to have considered by the Joint Director of Higher Education while considering the claim of the petitioner for pension in view of the provisions of Rule 30 of the Maharashtra Civil Services (Pension) Rules.

3. In light of the argument made by the learned counsel for the petitioner, we have perused the record and impugned order dated 24/10/2021. It is apparent on the face of the said order that the Joint Director of Higher Education has not considered the earlier service of the petitioner and a fact in respect of relaxation of age bar and absorption of the petitioner in view of the relaxation to the age.

4. In that view of the matter, we are of the opinion that the matter needs to be remanded back to the Joint Director of Higher Education to reconsider the claim of the petitioner afresh after taking into consideration the services of the petitioner from 2003 upto 2008 and thereafter, absorption in the year 2017 in view of the decision of age relaxation dated 15/9/2011. While deciding the claim of the petitioner for pension afresh, the Joint Director is expected to consider the grounds and the documents filed by the petitioner along with this petition.

5. In the circumstances, the petition is **disposed of** with direction to the respondent no. 2 - Joint Director, Higher Education, Amaravati Division, Amaravati to reconsider the case of the petitioner for the purpose for granting pensionary benefits to the petitioner in light of the above referred observation.

6. The Joint Director shall take a decision within a period of eight weeks from the date of furnishing a copy of this

order along with a copy of the petition and documents annexed along with it.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

B.T.K.